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5 Attorney for Defendant RUSSELL TAYLOR OTT

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8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10

11 UNITED STATES OF AMERICA,

No. CR 17 533 EMC

12 Plaintiff,

**NOTICE OF MOTION AND MOTION TO
MODIFY RELEASE BOND**

13 v.

14 RUSSELL TAYLOR OTT,

Date: August 30, 2018

Time: 11:00 a.m.

Crtrm: A (Magistrate Judge Sallie Kim)

15 Defendant.
16 _____/

17 **TO: THE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF**
18 **CALIFORNIA; ASSISTANT UNITED STATES ATTORNEYS KEVIN BARRY**
19 **AND MEREDITH OSBORNE; AND TO THE CLERK OF THE ABOVE-**
20 **ENTITLED COURT:**

21 **PLEASE TAKE NOTICE** that on August 30, 2018, at 11:00 a.m., or as soon thereafter
22 as the matter can be heard in Courtroom A of the above entitled Court, Defendant, RUSSELL
23 TAYLOR OTT, through his attorney will move the Court to modify his release bond to
24 discontinue the GPS electronic monitoring restriction and change it to a curfew for Mr. Ott. This
25 suggested modification is approved by Pretrial Services given Mr. Ott's track record of
26 compliance with all the previously imposed conditions of his pretrial release.

27 This motion is based on this Notice, the records and files in this action, all applicable law,
28 and or such further pleadings and arguments as may be presented before and at the hearing of this
matter.

MOTION FOR MODIFICATION OF BOND

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The current GPS electronic monitoring lockdown condition is that Mr. Ott is confined to the residence of Susan Madieros, except for medical, legal or employment purposes, or for unique permitted occasions, such as a funeral service. Mr. Ott has also been allowed to regularly attend AA meetings. Sixty-four year old Mr. Ott has been completely compliant with all of his release and reporting conditions. He has tested clean for every drug test, and has a solid, positive relationship with Mr. Libby. The Court is reminded that Mr. Ott has two young, school age children that he has been able to reunite with now that he is back in Santa Rosa, and by all reports he is a loving, caring father to all of his children. He is now back in a position where he can earn some money to support himself and his family. Mr. Ott is well aware that any variance from his tight set of restrictions could land him back in jail, and he is not about to take that risk. It is submitted that Mr. Ott has earned a greater degree of freedom where he can actually spend time with his children and family outside the constraints of staying within the walls of the Madieros residence. Lifting the lockdown condition will allow him for example to shop for himself, or go to a park, a library or school, or a movie with his family. Under the circumstances, it is entirely just and appropriate to lift the GPS lockdown condition.

Dated: August 28, 2018

Respectfully submitted,

/s/

 ROBERT WAGGENER
 Attorney for Defendant
 RUSSELL TAYLOR OTT